## **United States Department of Labor Employees' Compensation Appeals Board**

E.P., Appellant	- ) )
and	)
U.S. POSTAL SERVICE, LOS ANGELES PROCESSING & DISTRIBUTION CENTER,	)
Los Angeles, CA, Employer	) -
Appearances: Appellant, pro se	Case Submitted on the Record

## ORDER DISMISSING APPEAL

Before:
ALEC J. KOROMILAS, Chief Judge
JANICE B. ASKIN, Judge
PATRICIA H. FITZGERALD, Alternate Judge

On November 8, 2021 appellant filed an appeal from a January 13, 2021 decision of the Office of Workers' Compensation Programs (OWCP).<sup>1</sup> The Clerk of the Appellate Boards assigned Docket No. 22-0152.

The Board has duly considered the matter and notes that the Board has jurisdiction to review final adverse decisions of OWCP issued under the Federal Employees' Compensation Act.<sup>2</sup> For final adverse decisions of OWCP issued on or after November 19, 2008, the Board's review authority is limited to appeals which are filed within 180 days from the date of issuance of OWCP's decision.<sup>3</sup>

The 180<sup>th</sup> day following the January 13, 2021 decision was July 12, 2021. As appellant did not file an appeal with the Board until November 8, 2021, more than 180 days after the

Office of Solicitor, for the Director

<sup>&</sup>lt;sup>1</sup> The Board notes that appellant's Application for Review (AB-1) form notes that she is requesting an appeal from a March 13, 2019 decision. However, there is no such decision found in the case record. The most recent decision issued by OWCP is dated January 13, 2021.

<sup>&</sup>lt;sup>2</sup> 5 U.S.C. § 8149; 20 C.F.R. § \$ 501.2(c) and 501.3(a) (2009).

<sup>&</sup>lt;sup>3</sup> *Id.* at § 501.3(e).

January 13, 2021 OWCP decision, the Board finds that the appeal docketed as No. 22-0152 is untimely filed. The Board is without jurisdiction to review the appeal. Appellant has not offered a reason to explain the failure to timely file an appeal with supporting documentation sufficient to establish compelling circumstances.

The Board's decisions and orders are "final upon the expiration of 30 days from the date of their issuance."

IT IS HEREBY ORDERED THAT the appeal docketed as No. 22-0152 is dismissed.

Issued: November 29, 2021 Washington, DC

> Alec J. Koromilas, Chief Judge Employees' Compensation Appeals Board

> Janice B. Askin, Judge Employees' Compensation Appeals Board

> Patricia H. Fitzgerald, Alternate Judge Employees' Compensation Appeals Board

<sup>&</sup>lt;sup>4</sup> *Id.* at § 501.6(d).